RMT
Integrated Environmental Solutions

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February 4, 2005

Ms. Susan Michniewski
New Jersey Department of Environmental Protection (NJDEP)
Land Use Regulation Program (LURP)
Bureau of Inland Regulation
P.O. Box 439
501 East State Street
Trenton, NJ 08625-0439

Subject: L.E. Carpenter & Company (LEC), Wharton Borough, Morris County, New Jersey
USEPA ID No. NJD002168748
Response to Deficiency Letter for Application for Stream Encroachment Permit and Freshwater Wetlands Statewide General Permit No. 4
File No.: 1439-04-0001.1 (FHA 040001 & FWW 040001)

Dear Ms. Michniewski:

Please find enclosed responses to the deficiencies outlined in your letter dated January 24, 2005 (Attached) regarding the above-mentioned project. The responses outlined in this letter have been prepared to directly correspond with the deficiencies outlined in the January 24, 2005 letter (Ref. Attachment 1).

1) Restoration

a) The following outlines the temporary wetland and transition zone impacts:

Temporary Wetland and Transition Zone Impact Areas	
Emergent Wetland (PEM)	0.11 acre
Forested/Scrub-Shrub Wetland (PFO/SS)	0.20 acre
Transition Zone	0.32 acre
TOTAL	0.63 acre

All wetland and transition zone impact areas will be restored to pre-remedial elevations and vegetation communities. The post remediation plan has been revised to include the following revegetation plan. It should be noted that all impact areas will be restored to an equal or higher quality vegetation community.

Restoration Zone Areas		
Emergent Wetland (PEM)	0.11 acre	
Forested/Scrub-Shrub Wetland (PFO/SS)	0.20 acre	(includes 0.01 acre channel sideslope stabilization)
Transition Zone	0.32 acre	(includes 0.02 acre channel sideslope stabilization)
TOTAL	0.63 acre	

Once remedial activities in all impacted wetland areas have been completed, each area will be returned to 12-inches below pre-remedial grade by placing tested clean soils from the clean stockpiled areas. All impacted areas will be returned to pre-remedial grade by placing a minimum of 12-inches of clean imported topsoil to ensure variations in microtopography as indicated in the initial permit application submittal. All topsoils imported from off-site borrow sources will be consistent with existing materials to ensure a suitable planting medium is created.

Those areas of emergent wetland impact (0.11 acre) will be seeded with an emergent wetland seed mix as indicated in item 1.c). Specifications for the emergent seed mix are outlined in 1.c) below.

Those areas of forested/scrub-shrub wetland impact (0.19 acre) will be seeded with a wooded wetland understory mix as indicated in item 1.c). In addition, 68 bare root trees will be installed, which results in a planting density of 360 trees/acre or trees on approximately 11-foot centers. Four species will be planted in a random manner across the forested wetland impact areas to avoid unnatural "row" plantings. These trees will include:

Scientific Name	Common Name	Quantity
Acer rubrum	Red maple	17
Acer saccharinum	Silver maple	17
Betula nigra	River birch	17
Quercus palustris	Pin oak	17
	TOTAL	68

The remaining 0.01 acre of forested/scrub-shrub wetland located along the Air Products drainage channel, as well as an additional isolated 0.02 acre of transition zone impact located directly north of the Rockaway River will be seeded with a slope stabilization seed mix as indicated in item 1.c). The slope will be backfilled with topsoil and compacted to prevent sloughing. Proposed contours will match existing contours. The sideslope will be seeded with the slope stabilization seed mix specified in 1.c) and covered with an erosion control blanket (minimum North American Green SC-150BN). Shrubs will be planted on 4-foot centers across the 0.03 acre of slope stabilization. This results in a total of 82 shrubs, which is equivalent to a planting density of 2722 shrubs/acre. Willow species will be installed along the mid and lower bank areas, and dogwood species will be installed along the top of bank. Shrubs to be installed include:

Scientific Name	Common Name	Quantity
Cornus obliqua	Silky dogwood	20
Cornus stolonifera	Red-osier dogwood	20
Salix exigua	Sandbar willow	21
Salix nigra	Black willow	21
	TOTAL	82

Due to the curve of the channel at the subject location and the relatively steep banks (2:1), a stone or riprap toe maybe installed at the bottom of the reconstructed slope (±18 to 24 inches) to prevent erosion (if deemed necessary in the field).

Those areas of transition zone impact (0.30 acre) will be seeded with a slope stabilization seed mix as indicated in item 1.c). This seed mix will also be utilized on the 0.03-acre forested/scrub-shrub and transition zone impacted areas along the Air Products drainage channel and Rockaway River as previously described. In addition to the seed mix, 108 bare root trees will be installed in the transition zone impact areas (0.30 acre), which results in a planting density of 360 trees/acre or trees on approximately 11-foot centers. Four species will be planted in a random manner across the subject transition zone impact areas. These trees will include:

Scientific Name	Common Name	Quantity
Acer rubrum	Red maple	27
Liriodendron tulipfera	Tulip tree	27
Quercus rubra	Northern red oak	27
Ulmus americana	American elm	27
	TOTAL	108

b) Due to the fact that all wetland and transition zone impacts associated with the proposed remediation project are temporary in nature and will be restored back to original grades and vegetation communities, no additional mitigation is required as part of this project. Temporary impact acreages are presented in item 1.a) and graphically illustrated on revised Figure F4 presented in Attachment 2. No conversions of wetland community types will occur during restoration of temporary impacts.

c) The seed mix compositions were altered to eliminate the species of concern. New seed mixes to be used in wetland and transition zone restoration areas are presented below. All proposed planting plans (e.g., seed mixes) will utilized native species. A revised planting plan is outlined below and is presented on revised Figure F5 presented in Attachment 2.

Emergent Wetland Seed Mix (+0.11 acre @ 32.27 pounds/acre)

NATIVE COMPONENT

Scientific Name	Common Name	Ounces/Acre
Acorus calamus	Sweet flag	8.50
Alisma subcordatum	Common water plantain	8.00
Echinochloa crusgalli	Barnyard grass	12.00
Eleocharis obtusa	*Blunt spike rush*	*3.00*
Iris virginica shrevei	*Blue flag iris*	*4.00*
Juncus effusus	*Soft rush*	*3.00*
Leersia oryzoides	*Rice cut grass*	*4.00*
Lobelia cardinalis	*Cardinal flower*	*0.75*
Lobelia siphilitica	*Great blue lobelia*	*1.00*
Mimulus ringens	*Monkey flower*	*2.00*
Peltandra virginica	*Arrow arum*	*16.00*
Polygonum pensylvanicum	*Pinkweed*	*6.00*
Pontederia cordata	*Pickerelweed*	*8.00*
Sagittaria latifolia	*Common arrowhead*	*8.00*
Scirpus validus	*Softstem bulrush*	*6.00*
Sparganium eurycarpum	*Common burreed*	*10.00*
TOTAL		100.25 oz/acre = 6.27 lbs/acre

TEMPORARY COVER COMPONENT

Scientific Name	Common Name	Ounces/Acre
Agrostis alba	Redtop	16.00
Lolium multiflorum	Annual rye	400.00
TOTAL		416.00 ounces/acre = 26.00 pounds/acre

Wooded Wetland Understory Seed Mix (+0.19 acre @ 34.41 pounds/acre)

NATIVE COMPONENT

Scientific Name	Common Name	Ounces/Acre
Actinomeris alternifolia	Wingstem	1.00
Alisma subcordatum	Common water plantain	3.00
Aster umbellatus	Flat-top aster	1.25
Bidens cernua	Nodding bur marigold	3.00
Calamagrostis canadensis	Blue joint grass	3.00
Carex crinita	Fringed sedge	2.00

Scientific Name	Common Name	Ounces/Acre
Carex hystericina	Porcupine sedge	4.00
Carex lupulina	Common hop sedge	4.00
Carex vulpinoidea	Fox sedge	6.00
Chelone glabra	Turtlehead	1.25
Elymus canadensis	Canada wild rye	6.00
Elymus virginicus	Virginia wild rye	12.00
Glyceria striata	Fowl manna grass	4.00
Helenium autumnale	Sneezeweed	1.50
Leersia oryzoides	Rice cut grass	2.00
Lobelia silphilitica	Great blue lobelia	1.50
Mimulus ringens	Monkeyflower	1.75
Panicum virgatum	Switch grass	2.50
Rudbeckia laciniata	Wild golden glow	0.75
Scirpus atrovirens	Dark green rush	6.00
Spartina pectinata	Prairie cord grass	4.00
TOTAL		70.50 oz/acre
		= 4.41 lbs/acre

TEMPORARY COVER COMPONENT

Scientific Name	Common Name	Ounces/Acre
Agrostis alba	Redtop	16.00
Elymus hystrix	Eastern bottlebrush grass	64.00
Lolium multiflorum	Annual rye	400.00
TOTAL		480.00 oz/acre
		= 30.00 lbs/acre

Slope Stabilization Mix (+0.33 acre @ 36.00 pounds/acre)

NATIVE COMPONENT

Scientific Name	Common Name	Ounces/Acre
Andropogon gerardii	Big bluestem	20.00
Andropogon scoparius	Little bluestem	32.00
Bouteloua curtipendula	Side-oats grama	3.00
Elymus canadensis	Canada wild-rye	5.00
Panicum virgatum	Switch grass	12.00
Sorghastrum nutans	Indian grass	24.00
TOTAL		96.00 ounces/acre
		= 6.00 pounds/acre

TEMPORARY COVER COMPONENT

Scientific Name	Common Name	Ounces/Acre
Agrostis alba	Redtop	16.00
Elymus hystrix	Eastern bottlebrush grass	64.00
Lolium multiflorum	Annual rye	400.00
TOTAL		480.00 ounces/acre = 30.00 pounds/acre

d) The 50-foot transition zone around all temporary wetland impact areas is shown on revised Figure F4 presented in Attachment 2. The proposed restoration of the transition zone areas was previously addressed in 1.a).

e) The watercourse (*i.e.*, the drainage ditch that separates the LEC and Air Products properties) is no longer proposed for relocation.

f) Evidence of financial surety will be provided under separate cover.

g) The solidified low-permeability slurry monolith will not adversely effect the proposed wetland restoration area. The low-permeability slurry monolith will be emplaced across the LNAPL smear zone remediation area at an average thickness of about five feet. The slurry, which basically consists of a mixture of bentonite clay and Portland cement, will be emplaced within the subsurface only, as shown on the attached cross sections (Ref. revised Figure F8 presented in Attachment 2).

The slurry monolith is not expected to effect the subsurface groundwater discharges into the wetland for the reasons outlined below:

(a) The amount of fine-grained matrix (silt and clay size particles) within the uppermost fifteen feet of native soils (unit described on the cross section as "coarse-grained soils with variable mixtures of cobbles, boulders, sand, silt, and clay") increases across the site from west to east (Ref. Attachment 3). This trend has been more recently verified by additional borings conducted in late 2004. This means that the slurry monolith is expected to have a permeability similar to the native soils in the area just west of the wetland area. Therefore, we expect no significant changes with respect to groundwater discharges to the wetlands, the ditch, and the river following replacement of subsurface contaminated soils with the slurry monolith.

(b) Native soils within the wetland already consist predominantly of native silty clay that occurs from the ground surface to a depth of between 2-8 feet. In other words,

the hydrology within the wetland area is currently controlled partially (surface water also controls the wetland hydrology) by groundwater that flows through soils with a substantial clay content (see eastern end of cross sections shown in Attachment 3).

(c) The slurry monolith will only extend to the defined edge of the LNAPL smear zone, and does not extend into the wetland area itself.

In addition, the wetland area in question is part of the floodplain of the Rockaway River, and the river predominantly controls both groundwater and surface water within the wetland. The river along the portion of wetland in question is a losing stream (recharges the subsurface immediately adjacent to the river, except during periods of heavy precipitation or seasonal flooding events. Standing water within the topographically lowest portions of the wetland is part of the natural conditions during springtime runoff, natural seasonal flooding events, and during periods of heavy to moderate precipitation. These conditions will not change as a result of excavating contaminated soils and backfilling to grade as described elsewhere in this letter.

The engineering approach outlined in the Remedial Action Work Plan (RAWP) to excavate under a slurry the smear zone soils existing in the water table has been reviewed and approved by both the NJDEP Bureau of Federal Case Management (RPM: Anthony Cinque) and the United States Environmental Protection Agency (USEPA) Region II (RPM: Stephen Cipot). Use of the slurry is necessary to hydraulically control successful excavation into the water table aimed at removing as much contamination as possible in lieu of the approval of alternate remedial approaches requiring either a National Pollutant Discharge Elimination System (NPDES) permit, or discharge approval to the Rockaway Valley Regional Sewer Authority (RVRSA) for contaminated groundwater generated as a result of field implementation of these alternate remedial approaches.

2) Permission from Adjacent Property Owners

Permission from both Air Products (Block 801, Lot 4) and Wharton Enterprises (Block 801, Lot 5) to implement the proposed remedial actions outlined in the Remedial Action Work Plan (RAWP) will be provided under separate cover.

3) Blocks/Lots

The regional location of the LEC facility comprises Block 301, Lot 1 and Block 801, Lot 3 as identified on the Borough of Wharton Tax Maps presented as Appendix C in the *Freshwater Wetlands General Permit 4 Application*. Block and lot numbers for the LEC (Block 301, Lot 1 and Block 801, Lot 3), Air

Products (Block 801, Lot 4), and Wharton Enterprise (Block 801, Lot 5) properties are shown on revised Figure F2 presented in Attachment 2.

4) Mapping Revisions

a) The 50-foot transition zone boundary was added to the wetland impact figure (Ref. Revised Figure F4 presented in Attachment 2). The wetland delineation line begins at the Air Product drainage channel to the north and ends at the Rockaway River to the south as indicated. A total of 7 flags were hung, their points were located with a sub-meter accuracy Trimble XL GPS unit, and the line was integrated into the computer-aided drafting and design (CADD) plan sheets. Corresponding wetland delineation data sheets were submitted with the original permit application. The Rockaway River boundary is clearly indicated on the plan sheets. The limits of both the jurisdictional wetlands, floodplain, floodway and State Open Waters (the Rockaway River and the Air Products drainage channel) are shown on revised Figure F3 presented in Attachment 2.

All drawings (as referenced in the notes) were generated from the James M. Stewart Topographic Survey Map generated for the LEC site on February 14, 2002. Six (6) copies of the signed and sealed professional survey map were provided with the original permit application package submitted in October 2004.

b) RMT feels the scale presented on each drawing is adequate to provide enough detail. The increased detail afforded by a change from a 50' scale to a 40' scale is minimal, and does not warrant the loss of surface area and associates features caused by using the 40' scale on the existing sheet plot size.

c) Noted. Reference revised figures presented in Attachment 2.

d) Noted. Reference revised Figure F8 (Attachment 2)

e) All engineering related drawings have been signed and sealed by a NJ licensed professional engineer (Ref. Figures F1, F2, F6, F7, and F8 presented in Attachment 2). Figures F3, F4 and F5 have not been signed and sealed by a NJ licensed professional engineer, as these drawings are not considered engineering in nature, but rather scientific and/or biological in nature. JFNew, an expert in the field of wetland delineation and restoration, generated the scientific and/or biological components of the F3, F4, and F5 plan sheets. JFNew qualifications can be furnished upon request.

f) The watercourse (*i.e.*, the drainage ditch that separates the LEC and Air Products properties) is no longer proposed for relocation. Subsequently, this proposed action has been removed from all drawings and figures.

g) Silt fence will be installed along the banks of the Rockaway River in addition to the floating turbidity barrier. Reference revised Figure F6 presented in Attachment 2.

h) Reference revised Figure F7 presented in Attachment 2.

5) The watercourse (*i.e.*, the drainage ditch that separates the LEC and Air Products properties) is no longer proposed for relocation.

6) This small wetland area is located at the northernmost tip of the LEC property (Ref. revised Figure F3 presented in Attachment 2 and digital photography presented as Attachment 4). This small wetland area appears to be an emergent wetland community surrounded by a perimeter of scrub-shrub wetland (PEM/SS). Dominant wetland species evident in the photograph are cattails, reed canary grass, grapevines, box elder, and dogwoods. The JFNew delineation of this wetland area is approximate and is based on available topographic and photographic information provided by RMT.

   The clean soil stockpile and the area cleared to facilitate stockpiling are located significantly south west of this wetland area. This small wetland area will not be disturbed to facilitate stockpiling therefore no permitting or restorative measures are required or proposed. As shown on revised Figure F6 presented in Attachment 2, potential runoff from the clean soil stockpile areas will be captured by silt fence installed as approved by the Morris County Soil Conservation District.

7) The proposed area of disturbance within 50 feet of the top of the banks of the Rockaway River is proposed due to the presence of polychlorinated biphenyls (PCBs) in shallow soils (grade to 2-feet below ground surface) existing at concentrations greater than the applicable 490 parts per billion (ppb) residential cleanup criteria (Ref. Attachment 5). Trees are only being removed on site in areas where contamination removal is required (Ref. proposed limits of tree clearing shown on revised Figure F4 presented in Attachment 2).

   Zones of contamination have been identified in limited locations up to the northern top bank of the Rockaway River edge along a minimal stretch of the Wharton Enterprise property. Leaving contaminated soils along the river poses a significant risk to surface water quality. In order to remove the contamination, disturbance in this area is necessary. There is no way to remove contaminated soils without disturbing the vegetation community on the surface. This 50-foot transition zone along the river will be restored to original grade and revegetated as outlined in the restoration responses (1a, 1b and 1c).

8) The time restriction (March 15 through June 15) regarding sediment generating activities or stream/near stream disturbance activities near trout maintenance/trout stocked waters is noted. Excavation of PCB impacted soils within the wetland areas are proposed during the winter months (*i.e.*, February 2005), as shallow soils within all areas proposed for disturbance will be frozen. Subsequently, excavation activities and associated sediment and erosion related issues will more effectively be controlled. In addition, as outlined in comment response No. 4g (Ref. revised Figure F6 presented in Attachment 2) silt fence will be installed along the disturbed banks of the Rockaway River to effectively control sediment reaching the open waters of the Rockaway River.

Please direct all your questions regarding this application package to my attention. My business card is attached. We are very interested in getting these applications through technical review, and obtaining conditional approval to initiate remedial activities in the associated areas due to the extremely tight winter schedule for implementation. I understand Anthony Cinque (NJDEP Case Manager for LEC) has made additional contact with you in reference to this project.

Anthony Cinque and myself will be in contact to work with the LURP to facilitate the timely technical review and conditional approval of these permit applications. Thank-you in advance for your cooperation.

Sincerely,

RMT, Inc., Michigan

Nicholas J. Clevett
Project Manager

Attachments:
1. NJDEP LURP Response Letter dated January 24, 2005
2. Engineering Plan Set (Revision 1) – Figures F1 through F8
3. Figure 4 – Site Wide Cross Sections [Pre-Construction Boring Report]
4. North Wetland Area Photographic Log
5. Figure 6 – Wharton Enterprise Property PCB Soil Results 4th Quarter 2004 [Pre-Construction Boring Report]

cc: Nadine White, NJDEP LURP
Anthony Cinque, NJDEP
Stephen Cipot, USEPA

Cris Anderson, LEC
Jim Lewis, LEC
Ernie Schaub, LEC
Jon Rheinhardt, Wharton Borough
Dan Oman, RMT
Jim Dexter, RMT
Walter Kurzeja, RMT
Jeff Macri, RMT
Kelly Rice, JFNew
Central Files

State of New Jersey

Richard J. Codey
Acting Governor

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Bradley M. Campbell
Commissioner

Mr. Nicholas Clevett
2025 E. Beltline SE, Suite 402
Grand Rapids, MI 49546

January 24, 2005

Re: Deficiency Letter for Application for Stream Encroachment Permit and Freshwater Wetlands Statewide General Permit No. 4
Applicant: L.E. Carpenter & Company
File No.: 1439-04-0001.1 (FHA 040001 & FWW 040001)
Wharton Borough, Morris County

Dear Mr. Clevett:

I am writing with regard to the above referenced application for a Stream Encroachment Permit and Freshwater Wetlands Statewide General Permit No. 4. The application is deficient with regard to the points noted below. Additional comments may also be provided following completion of review by the Program's engineering staff.

DEFICIENT ITEMS

1. Restoration - The plan for proposed restoration of the wetlands, State open waters, and wetland transition areas following removal of contaminated soils is deficient with regard to the following points:

a) Each wetland community type must be quantified and identified on the plan (i.e. Wetland Impact Map). Restoration of a temporary disturbance requires that the type of community impacted must be restored back to that same community. For example, if 0.012 acres of PFO1 wetlands are disturbed, then that 0.012 acres must be restored to forested wetlands. Currently 0.286 acres have been identified in your report as PFO1, PSS and PEM wetlands and the proposed restoration involves lowering the final grade approximately 2 feet and restoring to a PEM community only. This is not restoration, but is instead alteration and would require additional mitigation. The "Post Remediation" plan needs to be revised to quantify the wetland community types and provide a restoration plan to restore those areas to the same community types. Final grades are not dependent upon the amount of material "left" after excavation of contamination, but should instead be consistent with existing grades. You must provide a minimum of 12 inches of appropriate topsoil for the wetland restoration areas to ensure that a suitable planting medium is created as well as ensuring that there is enough topsoil to create microtopography. We strongly caution you to ensure no contamination is present in these reclaimed topsoils proposed for distribution

across the site, especially since the area is proposed to be redeveloped as recreational ballfields within the community. Please consult the checklist for creation, restoration or enhancement proposals found at http://www.nj.gov/dep/landusc/forms/index.html for additional information regarding requirements for topsoil for mitigation projects in New Jersey. Chapter 15 of the Freshwater Protection Act Rules also addresses requirements for mitigation. These rules may also be downloaded from http://www.nj.gov/dep/landuse/forms/index.html.

b) Additionally, 0.163 acres of PEM wetlands are proposed to be created. As per N.J.A.C. 7:7A-15.7, if you are unable to restore the forested and scrub/shrub wetlands back to the same condition and they are permanently converted to emergent wetlands, you may undertake creation of additional wetlands, but are required to undertake one acre of mitigation for each acre of forested or scrub/shrub wetlands converted to emergent wetlands. You must also demonstrate a valid need for conversion of wetlands community types. Please understand that wetlands creation will require submission of a water budget for the proposed creation areas and these creation areas must be protected by a deed restriction as well. You must also include a transition area around the wetland, so if you do create new wetland areas, you must ensure that you do not impose a transition area onto property not owned by the applicant. For this project, because the wetlands are considered intermediate resource value wetlands, the transition area must be 50 feet wide.

c) You cannot use non-native species to achieve stabilization. Therefore, remove all non-native species from the planting plan with the exception of *Lolium multiflorum*, annual rye. Annual rye has consistently demonstrated an ability to achieve immediate stabilization and die out, allowing native species to populate the area. Please note that *Agrostis alba*, Redtop, is native and you may use this species.

d) The wetlands located on the site are classified as intermediate resource value and have a standard transition area required of 50 feet. As part of the proposed restoration, the applicant must restore the transition areas back to the existing vegetation communities, or communities of higher value.

e) If justification for the watercourse relocation is provided as requested below, and the Program approves of this relocation, the following deficiencies must be addressed:

The proposed watercourse relocation is proposed to be seeded with upland herbaceous/grass plant species. Non-native grasses are also proposed for use in immediately stabilizing the slopes. As discussed above, remove the non-native stabilization mix from the proposed plans. In addition, trees and shrubs must also be incorporated into the watercourse relocation plantings. Currently the channel contains some tree and shrub species and as such must be restored to the same type of community. Additionally, we recommend the use of native willows for the lower and mid-bank plantings and native dogwood species that can tolerate drier conditions for the top of bank plantings.

f) Demonstrate that financial sureties have been secured to cover the cost of the mitigation project. A construction assurance equal to 115 percent of the project cost and a maintenance assurance equal to 30 percent of the project cost are required. If these funds have already been secured through the Site Remediation Program, please submit evidence of this.

g) The Program is concerned that use of a "solidified slurry monolith" may adversely affect proposed wetland restoration areas. It is also unclear from the plans where this type of material will be placed. Should the source of hydrology within the wetlands be surface water, you may create a perched system that holds more water than desired, creating an open water system rather than a wetland system. Conversely, if the source of hydrology for the wetlands is groundwater, you may prevent the rise of groundwater levels into the wetlands, therefore robbing the wetlands of hydrology and creating an upland system. Additional justification for the use of this material, and clarification on the plans as to where this is proposed, is required.

2. Permission from Adjacent Property Owners – Proposed remediation, restoration, and watercourse relocation work is proposed on properties adjacent to the L.E. Carpenter Site, namely Block 801, Lots 5 and 1 per the Borough tax map. Your report identifies the adjacent property owners as Air Products, Inc. and Wharton Enterprises. You must provide permission from these property owners for the submission of the Stream Encroachment and General Permit No. 4 applications.

3. Blocks/Lots – The block and lot numbers shown on the tax map for the L.E. Carpenter property do not match the block and lot numbers specified on the LURP Form and in your report. The tax map specifies Block 301, Lot 1 and Block 801, Lot 3. Clarify if these are the current block and lot numbers for the subject site, and specify the block and lot numbers for the subject and adjacent properties on a revised plan (i.e. FA - Construction Staging and Excavation Plan).

4. Mapping Revisions – In addition to the above, and any additional revisions required by the Program's engineering staff, the following revisions to the submitted mapping are required:

a) The wetland, State open water, and transition area boundaries need to be delineated on the "F4-Construction Staging and Excavation Plan" map. In terms of the existing watercourse, the mapping needs to clarify where the State open waters and wetland boundaries begin and end. In addition, the flag locations and numbers associated with the wetlands/waters boundaries need to be specified.

b) The restoration plan mapping (including "Wetland Impact Map", "Post Remediation" map, "Construction/Site Plan", "FEMA Floodplain Map") needs to be provided at the 1" = 40' scale to provide better detail.

c) Make sure that all plans are consistent with regard to proposed remediation area, construction zone, and proposed grading. Inconsistencies currently exist between the different maps provided with the submittal.

d) The east/west labels for the site profile detail for A – A' on the "F6 – Details" plan appear to be incorrect.

e) All plans, including the proposed restoration plans, must be signed and sealed by a licensed engineer and land surveyor.

f) The watercourse relocation should not be shown as a "potential" relocation. See below for additional comments.

g) Why is silt fence not proposed along the banks of the Rockaway River (sheet F4 of 6) in addition to a floating turbidity barrier?

h) A plan showing final grades needs to be provided without depiction of a proposed end use plan. Additional stream encroachment and/or wetland permits may be required for any proposed project for the site once remediation is complete.

5. Watercourse Relocation – It is not clear from the information submitted as to why the existing watercourse is proposed to be permanently redirected. Why is the water not being temporarily redirected while the soils within the existing channel are removed and the channel restored? Is the existing watercourse a source of hydrology to the wetlands, with redirection of the watercourse negatively affecting this hydrology? Additional information/justification is required.

6. Wetland Boundaries – Based on the New Jersey Freshwater Wetlands Maps (see attached) and the Morris County Soil Survey, it appears that wetlands may be present northwest of the rails to trails area, within an area designated for "clean soil stockpile". The Program would like to visit the site to inspect this area, and possibly other areas of proposed activity. Please indicate how access may be acquired to this fenced area and whether or not a representative of the facility can accompany Program staff.

7. Protection of Near Watercourse Vegetation – In accordance with N.J.A.C. 7:13-3.2 and 3.5, vegetation with 50' of the top bank of a trout associated waters, such as the Rockaway River, shall not be disturbed unless the applicant has demonstrated that there is no alternative to the proposed project design which will eliminate or further minimize the disturbance and the applicant has submitted a plan to compensate or cure the effects of the disturbance. The proposed project is inconsistent with that requirement in two ways. One is that the project proposes removal of trees and shrubs within 50' of the top of banks of the Rockaway River as part of the proposed remediation work, but does not propose re-vegetation with an equal or greater number of trees and shrubs to compensate for that disturbance. Another way the project is inconsistent with the Flood Hazard Area Control Act rules is that disturbance, including proposed grading is proposed outside of the "limits of planned excavation" shown on sheet F4 of 6 and within 50' of the top of

banks of the Rockaway River. Some of this proposed grading appears to be located within a wooded area. The purpose for this disturbance is not clear. In addition, it is not clear if there is an alternative to this disturbance, and if not, how the disturbance will be compensated. Additional information/justification, and revision to the submitted plans to provide equal or better compensation, is required.

7. Time Restriction – Note that there will be a time restriction from March 15 through June 15 on any sediment generating activities or stream/near-stream disturbance activities that would allow sediment to reach the stream in order to protect trout maintenance/trout-stocked waters and their recreational use during the trout season.

Please provide the above referenced information/mapping so that we continue our review. The 90-day deadline for Department decision on the Stream Encroachment Permit application is February 15, 2005. Based on the above comments, it appears that the applicant may need to request a 30-day extension of the permit application. Please contact Nadine White, project engineer, or me at (609) 633-9277 regarding time frames for the application.

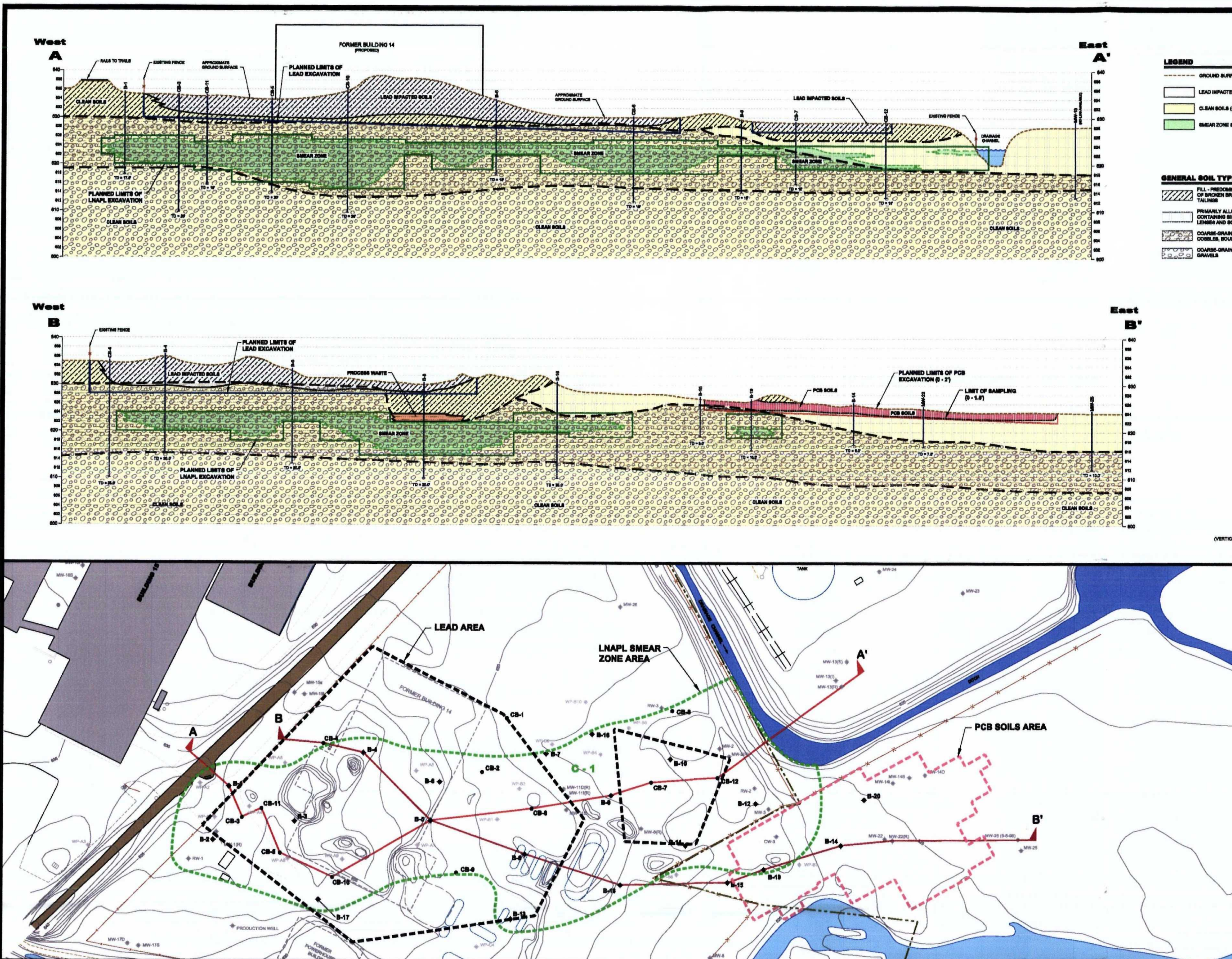
Sincerely,

Susan Michniewski
Bureau of Inland Regulation

Attachment (FWW map)
C: Wharton Borough Clerk
Wharton Borough Planning Board
Wharton Borough Construction Official
Mark Godfrey, Land Use Regulation Program
Nadine White, Land Use Regulation Program
Anthony Cinque, Site Remediation Program

Engineering Plan Set (Revision 1)
Figures F1 through F8

under separate cover



RMT COMPUTER AIDED DESIGN AND DRAFTING
West
A
East
A'
FORMER BUILDING 14
(PROPOSED)
RAILS TO TRAILS
EXISTING FENCE
APPROXIMATE GROUND SURFACE
PLANNED LIMITS OF LEAD EXCAVATION
CLEAN SOILS
LEAD IMPACTED SOILS
SMEAR ZONE
PLANNED LIMITS OF LNAPL EXCAVATION
DRAINAGE CHANNEL
LEGEND
GROUND SURFACE
LEAD IMPACTED SOILS (> 400 ppm)
CLEAN SOILS (< 400 ppm LEAD)
SMEAR ZONE SOILS
GENERAL SOIL TYPES
FILL - PREDOMINANTLY SAND AND GRAVEL WITH PIECES OF BROKEN BRICK AND CONCRETE, AND SOME MINE TAILINGS
PRIMARILY ALLUVIAL WITH SOIL MATRIX CONTAINING SILT, FINE SAND, AND SOME CLAYEY LENSES AND SOME COBBLES, BOULDERS, AND GRAVEL
COARSE-GRAINED SOILS WITH VARIABLE MIXTURES OF COBBLES, BOULDERS, SAND, SILT, AND CLAY
COARSE-GRAINED SOILS PREDOMINATED BY OUTWASH GRAVELS
West
B
East
B'
PROCESS WASTE
PCB SOILS
PLANNED LIMITS OF PCB EXCAVATION (0 - 2')
LIMIT OF SAMPLING (0 - 1.5')
HORIZONTAL SCALE
(VERTICAL SCALE EXAGGERATED 2X RELATIVE TO THE HORIZONTAL SCALE)
VERTICAL SCALE
LEAD AREA
LNAPL SMEAR ZONE AREA
PCB SOILS AREA
FORMER BUILDING 14
BUILDING 15
DRAINAGE CHANNEL
DITCH
TANK
PRODUCTION WELL
FORMER POWERHOUSE BUILDING
C - 1
SCALE IN FEET

NO.	BY	DATE	REVISION	APP'D.
5.				
4.				
3.				
2.				
1.				

L.E. CARPENTER
WHARTON, NEW JERSEY

SITE WIDE CROSS SECTIONS

DRAWN BY: SJL	SCALE: SHOWN	PROJECT NO. 6527.08
CHECKED BY: JJD		FILE NO. 6527.08_01.DWG
APPROVED BY:	DATE PRINTED:	FIGURE 4
DATE: JANUARY 2005		

RMT INC.
1143 HIGHLAND DRIVE, SUITE B
ANN ARBOR, MI. 48108-2237
PHONE: 313-971-7080
FAX: 313-971-9022

Photographic Log

Client Name:	Site Location:	Project No.:
L.E. Carpenter & Company	Wharton Borough, Morris County, NJ	00-06527.11

Photo No.	Date
1	2/29/04

Description
The small wetland area is located to the far right of this picture. A close-up of this areas is presented in Photo No. 2 (below). The area proposed for clearing, grubbing and spoil stockpiling is located in the center and left side of this picture, behind the fence that separates this area from the small wetlands. All stockpiles will be surrounded by silt fence in accordance with the Morris County certified Soil Erosion and Sediment Control plan.

View looking West

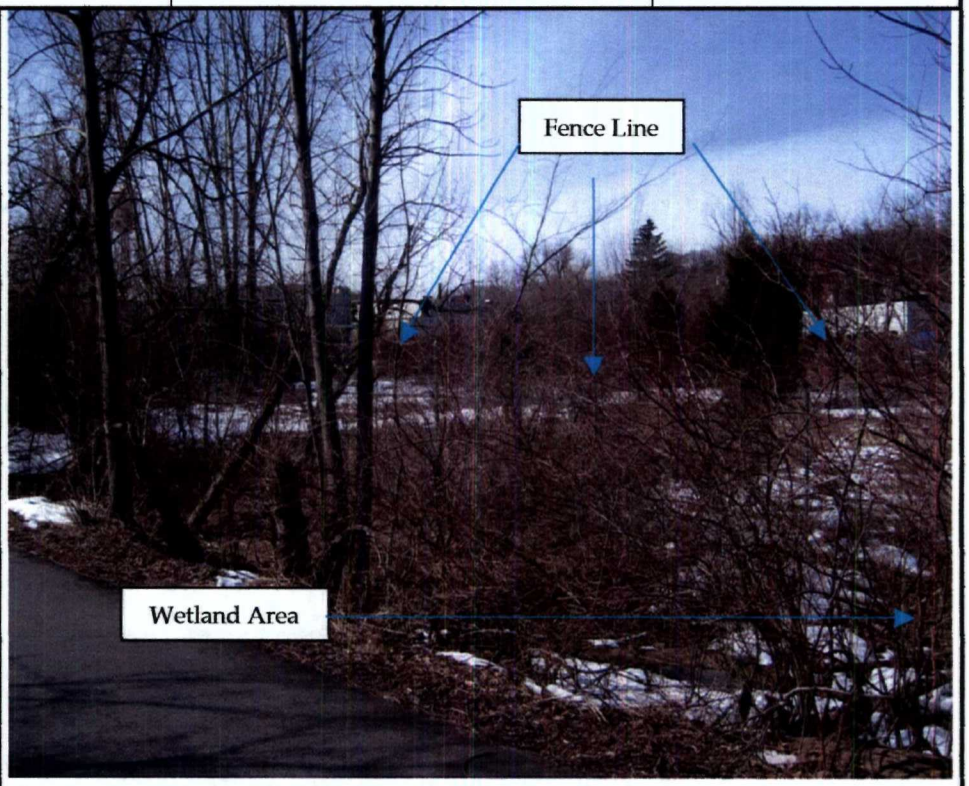
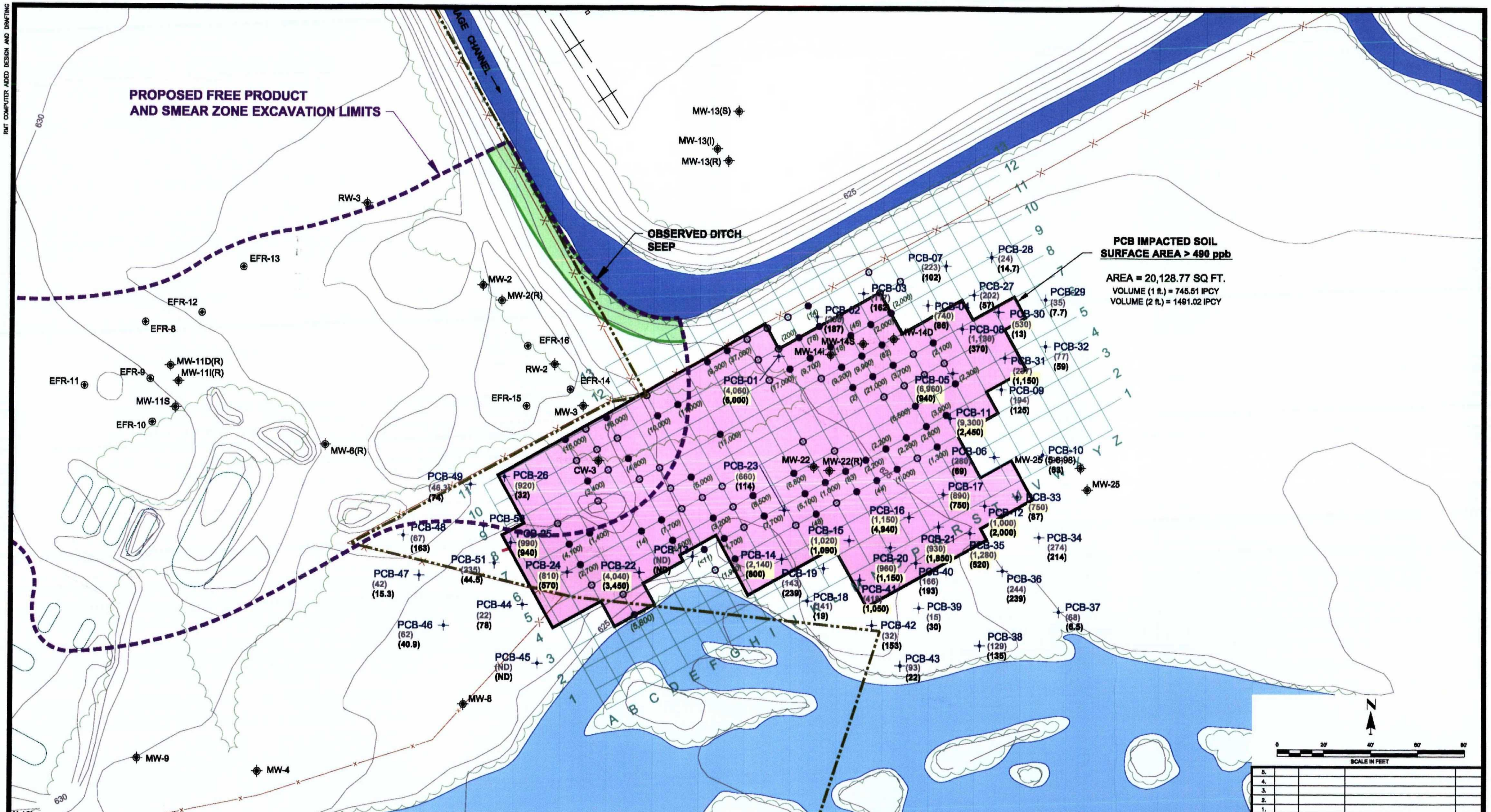


Photo No.	Date
2	2/29/04

Description
Small wetland area. This area will <u>not</u> be disturbed by clearing, grubbing and spoil stockpiling activities.

View looking Northwest



RMT COMPUTER AIDED DESIGN AND DRAFTING

LEGEND

- APPROXIMATE PROPERTY LINE
- FENCE LINE
- TREES
- RAILROAD TRACKS
- PCB-30 (530) (13) — PCB SOIL SAMPLE LOCATION AND NUMBER INCLUDING SAMPLE DEPTH RESULTS (RMT, DECEMBER 2004); (530) SAMPLE TAKEN AT 6" DEPTH; (13) SAMPLE TAKEN AT 18" DEPTH
- (13) HIGHLIGHTED NUMBER INDICATES CONCENTRATION EXCEEDS THE RESIDENTIAL DIRECT COTACT SOIL CLEANUP CRITERIA OF 490 µg/kg.
- 8 / 9 WESTON 1994 PCB DELINEATION SAMPLING GRID (10 FOOT GRID)
- ● WESTON 1994 PCB DELINEATION SAMPLE COLLECTED AND ANALYZED
- ○ WESTON 1994 PCB DELINEATION SAMPLE COLLECTED
- (9.3) WESTON 1994 SAMPLE RESULTS ALL WESTON SAMPLES COLLECTED AT 0 - 6" DEPTH
- CM-2 CONSTRUCTION MANAGEMENT CONTROL POINT CM-4 AND CM-5 LOCATED OFF SITE TO BRING IN SURVEY CONTROL FOR THE SOURCE REDUCTION EXCAVATION
- MW-21 MONITORING WELL LOCATION AND NUMBER
- MW-14s SHALLOW GROUNDWATER MONITORING WELL LOCATION AND NUMBER
- MW-14i INTERMEDIATE GROUNDWATER MONITORING WELL LOCATION AND NUMBER
- MW-14d DEEP MONITORING WELL LOCATION AND NUMBER
- RW-2 RECOVERY WELL LOCATION AND NUMBER
- WP-87 WELL POINT LOCATION AND NUMBER
- EFR-13 ENHANCED FREE-PRODUCT RECOVERY WELL

NOTES

1. BASE MAP DEVELOPED FROM TOPOGRAPHIC SURVEY PROVIDED BY JAMES M. STEWART, INC. LAND SURVEYORS, DRAWING NO 2793-03.DWG, DATED 02-14-02.

SCALE IN FEET: 0 20' 40' 60' 80'

NO.	BY	DATE	REVISION	APP'D.
5.				
4.				
3.				
2.				
1.				

L.E. CARPENTER
WHARTON, NEW JERSEY

WHARTON ENTERPRISE PROPERTY
PCB SOIL RESULTS 4th QUARTER 2004

DRAWN BY: SJL	SCALE: SHOWN	PROJECT NO. 6527.08	
CHECKED BY: JJD		FILE NO. 6527.08_F06	
APPROVED BY:	DATE PRINTED:	**FIGURE 6**	
DATE: JANUARY 2005			

RMT INC.
1143 HIGHLAND DRIVE, SUITE B
ANN ARBOR, MI. 48108-2237
PHONE: 313-971-7080
FAX: 313-971-9022

Layout Name: PCB Area (Results 490)